



PRESS RELEASE

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USTR Lowers Korea to “Watch List” Status in Special 301 Report

On April 29, 2005, the Office of the U.S. Trade Representative (USTR) announced that the Republic of Korea was moving from “Priority Watch List” status to “Watch List” status, based on the significant steps Korea has made in strengthening the protection of intellectual property. The report on Korea from USTR follows below; a full report is available at <http://www.ustr.gov>.

USTR Special 301, 2005 Report
April 29, 2005

WATCH LIST

KOREA

Over the past year, Korea has taken significant steps to strengthen its intellectual property regime. We are lowering Korea from the Priority Watch List in 2004 to the Watch List this year to recognize Korea's efforts. Meaningful improvements made by Korea include: introducing legislation that will create protection for sound recordings transmitted over the Internet (using both peer-to-peer and web casting services); implementing regulations that restore the ability of the Korea Media Rating Board to take necessary steps to stop film piracy; and increasing enforcement activities by the Standing Inspection Team against institutions using illegal software. Notwithstanding these improvements, more needs to be done to further update Korea's intellectual property regime to keep pace with the digitization of Korea's economy, and to prevent the proliferation of unauthorized copying of copyrighted material. In particular, we look to Korea to join other economically advanced countries by extending the exclusive reproduction right to cover temporary copies, such as those made in the temporary memory of a computer -- an enormous and still growing manner of using copyrighted works. In addition, we call on Korea to further strengthen the relevant provisions of its Copyright Act and Computer Programs Protection Act related to technological protection measures and ISP liability, to clarify the scope of the private copy exception, and to join the global trend to extend the term of copyright protection for works and sound recordings. The United States has urged Korea to continue accelerating efforts to combat piracy of DVDs, computer software, and university textbooks, as well as to decrease street vendor sales of pirated and counterfeit goods. The United States also has emphasized the importance of Korea continuing to fulfill its WTO TRIPS obligations in the near term to provide adequate protection of pharmaceutical test data from unfair commercial use. We encourage Korea to improve coordination between the Korean health and patent authorities to prevent marketing authorizations of patent-infringing products. We welcome the progress that Korea has made, will closely monitor to ensure that the pending copyright legislation is implemented with appropriate safeguards to prevent the erosion of these or other rights, and look forward to future improvements to Korea's IPR regime.